



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/435,996      | 11/08/1999  | MITSUHIRO WATANABE   | 10P319372           | 5995             |

30743 7590 01/11/2005

WHITHAM, CURTIS & CHRISTOFFERSON, P.C.  
11491 SUNSET HILLS ROAD  
SUITE 340  
RESTON, VA 20190

EXAMINER

HUTTON JR, WILLIAM D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2179

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/435,996

**Applicant(s)**

WATANABE, MITSUHIRO

**Examiner**

Doug Hutton

**Art Unit**

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4-23 and 26-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-22 and 27-47 is/are allowed.
- 6) ☒ Claim(s) 23 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Applicant's Respons***

In Applicant's Response dated 12 October 2004, Applicant amended Claims 4, 23 and 27, added new Claims 46 and 47, cancelled Claims 24 and 25, and argued against all objections and rejections previously set forth in the Office Action dated 13 August 2004.

The objections and the rejections under 35 U.S.C. 112, second paragraph, previously set forth are withdrawn.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 23 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Royer et al., U.S. Patent No. 4,872,196.

***Claim 23:***

Royer discloses a Japanese letter input method for inputting letters and symbols in a letter set for use in a Japanese letter input device (see Column 1, Lines 5-8 – Royer discloses this limitation, as clearly indicated in the cited text), comprising the steps of:

- disposing predetermined letters and symbols in a concentric circle form (see Column 2, Lines 20-33 – Royer discloses this limitation in that the matrix array

includes “predetermined letters and symbols” that are “disposed in a concentric circle;” for example, the letters NA, MU, NO and SU are “predetermined” and “disposed in a concentric circle” with the letter NU located at the center of the circle); and

- inputting letters or symbols by designating, in a predetermined sequence, coordinates on the concentric circle form corresponding to the letters and symbols by using a position input device, wherein selection of letters or symbols is made using a memory unit (see Column 4, Lines 3-21 – Royer discloses this limitation in that it includes a “rocker” key that inputs the desired symbol by first specifying a consonant column by rocking the key to the left and then specifying a vowel row by rocking the key to the right; by rocking the “rocker” key in two directions, the display can navigate the kata-kana matrix).

*Claim 26:*

Royer discloses the method of Claim 23, wherein the letter set includes romanji alphabet letters, numerals and symbols (see Column 2, Lines 20-33 – Royer discloses this limitation, as clearly indicated in the cited text).

***Response to Arguments***

Applicant's arguments filed 12 October 2004 have been fully considered but they are not persuasive.

*Applicants Arguments in Support of Claims 23 and 27:*

Applicant argues that Royer fails to disclose an “arrangement of letters/symbols in the form of concentric circles.” Rather, Royer associates letters/symbols with a conventional telephone key pad. Applicant further argues that Royer fails to disclose “designating coordinates on a concentric circle form.” See *Applicant’s Response* – Page 14, second full paragraph.

The examiner disagrees.

The relevant limitations of Claim 23 read:

- disposing predetermined letters and symbols in a concentric circle form; and
- inputting letters or symbols by designating . . . coordinates on the concentric circle form corresponding to the letters and symbols by using a position input device.

Royer discloses “disposing predetermined letters and symbols in a concentric circle form” in two ways: 1) the matrix array includes “predetermined letters and symbols” that are “disposed in a concentric circle form;” for example, the letters/symbols NA, MU, NO and SU are “predetermined” and “disposed in a concentric circle” with the letter NU located at the center of the circle (see Royer – Column 2, Lines 20-33); and 2) the telephone key pad includes “predetermined letters and symbols” that are “disposed in a concentric circle form;” for example, the letters/symbols KA, HA, YA and TA are “predetermined” and “disposed in a concentric circle” with the letter NA located at the center of the circle (see Royer – Figure 1).

Royer discloses "inputting letters or symbols by designating . . . coordinates on the concentric circle form corresponding to the letters and symbols by using a position input device" in that the letters/symbols KA, HA, YA and TA are input by designating the corresponding "coordinates on the concentric circle form" using the appropriate telephone keys.

In response to Applicant's argument that Royer fails to disclose a "stick or like pointer capable of moving from the center of a circle outward along one of several directions to a point on the circumference" (see *Applicant's Response* – Page 14, first full paragraph), it is noted that this feature upon which Applicant relies is not recited in Claim 23 or 26. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

#### ***Allowable Subject Matter***

Claims 4-22 are allowed for the reasons indicated in the Office Action dated 30 September 2003.

Claims 27-45 are allowed for the reasons for the reasons indicated in the Office Action dated 13 August 2004.

Claims 46 and 47, which were formerly Claims 24 and 25, are allowed for the reasons for the reasons indicated in the Office Action dated 13 August 2004.

**Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Doug Hutton whose telephone number is (571) 272-4137. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

WDH  
January 5, 2005

  
HEATHER R. HERNDON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100